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EXAMINER

SKED, MATTHEW J

ART UNIT	PAPER NUMBER
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2655

DATE MAILED: 06/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/963,324

Applicant(s)

DISHERT, LEE R.

Examiner

Matthew J Sked

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01/14/05.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 13-18 is/are rejected.
- 7) ☒ Claim(s) 10-12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Claims 14 and 15 were rejected under 35 U.S.C. 112. The applicant amended the specification to more clearly state the plurality of look-up tables refer to tables, which include control words for a plurality of electronic devices. However, the specification does not differentiate between the plurality of look-up tables specified in claim 13 and the ***further*** plurality of tables set forth in claim 14. The specification lays out that there would be a plurality of tables corresponding to the plurality of devices but does not set forth that each device would have a corresponding plurality of tables and how each of these plurality of tables corresponding to the device would differentiate. Therefore, the rejections under 35 U.S.C. 112 have been maintained.
2. Claims 1, 13 and 16-18 have been amended to more clearly claim the applicant's invention as a remote control system for receiving speech requests and a relay station that is separate from the remote control unit and electronic device that translates the audio signals into control parameters to be sent to the electronic device.
3. No claims have been added or canceled.
4. Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection, necessitated by the amendment.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the

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art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 13-15 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The specification fails to differentiate between the plurality of look-up tables and the **further** plurality of look-up tables. The specification states that each look-up table refers to the control words for a corresponding electronic device but does not specify that each of these electronic devices would have a plurality of corresponding look-up tables as is construed by reading claims 13 and 14.

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 13-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is not clear what the applicant means by "a further plurality of look-up tables, each corresponding to a respectively different device type", as stated in claim 14. The specification states that each look-up table refers to the control words for a corresponding electronic device. Therefore it is unclear what the "plurality of look-up tables" claimed in claim 13 are referring to.

9. For the purposes of examination of claims 13-15, it will be assumed the applicant is meaning to claim a plurality of look-up tables where each of the look-up tables refer to a corresponding device.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

11. Claims 1, 3, 7, 8, 13-15 and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Luchaup (U.S. Pat. 2002/0143555A1), cited in the previous office action.

As per claim 1, Luchaup teaches a remote control system for translating an utterance of an operator to a control parameter of an electronic device comprising:

a remote control unit (Fig. 1, element 10), including,

- i. an audio input for receiving the utterance (microphone, paragraph 32);
and
- ii. a transmitter operably linked to the audio input for providing a transmission signal corresponding to the utterance (transmits an audio input signal, paragraph 25);

a relay station separate from the remote control unit and electronic device, responsive to the transmission (Fig. 1, element 50), the relay station including,

- i. a receiver for recovering audio signals representing the utterance from the transmission signal (audio input signal is received by the host receiver, paragraph 26);
- ii. a speech recognition module for translating the audio signals into a sequence of words (voice recognition processor, paragraph 26); and
- iii. a memory for translating the sequence of words into the control parameter which is then provided to the electronic device (voice recognizer generates a command signal from the audio input signal, paragraph 26);

wherein the control parameter is provided by the relay station to the electronic device enabling hands-free remote control of the electronic device (control signal is transmitted directly to the appliance from the host system, paragraph 31).

12. As per claim 3, Luchaup teaches the electronic device is operable linked to the relay station to receive the control parameter (control signal is transmitted directly to the appliance from the host system, paragraph 31).

13. As per claim 7, Luchaup teaches a transmitter, on the relay station, for providing the control parameter to a remote control input port of the electronic device (control signal is transmitted directly to the appliance from the host system, paragraph 31).

14. As per claim 8, Luchaup teaches a receiver, on the remote control unit, for receiving transmissions from the relay station (remote control contains a second receiver to receive the control signal from the host system, paragraph 32).

15. As per claims 13-15, Luchaup teaches a remote control system for translating an utterance of an operator to a control parameter of an electronic device comprising:

a remote control unit (Fig. 1, element 10), including,

- i. an audio input for receiving the utterance (microphone, paragraph 32);
and
- ii. a transmitter operably linked to the audio input for providing a transmission signal corresponding to the utterance (transmits an audio input signal, paragraph 25);

a relay station separate from the remote control unit and electronic device, responsive to the transmission (Fig. 1, element 50), the relay station including,

- i. a receiver for recovering audio signals representing the utterance from the transmission signal (audio input signal is received by the host receiver, paragraph 26);
- ii. a speech recognition module for translating the audio signals into a sequence of words (voice recognition processor, paragraph 26);
- iii. a memory including a plurality of look-up tables each for translating the sequence of words into the control parameter which is then provided to the electronic device (voice recognizer generates a command signal from the audio input signal, this process would inherently have a some type of correspondence table in memory to convert from a recognized word to a command, paragraph 26);
- iv. a processor which selects one of the look-up tables to be used to generate the control parameters responsive to the translated words (each device would inherently have different commands to operate it hence a different

correspondence table which would be selected based upon the extracted appliance identity, paragraph 26); and

v. a transmitter which provides the control parameters from the selected look-up table to the respective electronic device (control signal is transmitted directly to the appliance from the host system, paragraph 31).

16. As per claim 17, Luchaup teaches a method of translating an utterance of an operator to a control parameter of an electronic device, comprising:

converting an utterance into a modulated transmission signal (transmits an audio input signal hence inherently modulating it, paragraph 25);

receiving the transmission signal at a relay unit, the relay unit being separate from the remote control unit and the electronic device (audio input signal is received by the host receiver, paragraph 26);

recovering audio signals representing the utterance from the modulated transmission signal (host receiver would inherently recover the audio signal from the transmitted signal, paragraph 25 and Fig. 1, element 50);

processing the audio signals to recognize the words included in the utterance (voice recognition processor, paragraph 26); and

translating the recognized words into the control parameter (voice recognizer generates a command signal from the audio input signal, paragraph 26);

providing the control parameter from the relay station to the electronic device enabling hands-free remote control of the electronic device (control signal is transmitted directly to the appliance from host system, paragraph 31).

Claim Rejections - 35 USC § 103

17. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

18. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Luchaup in view of Douglas, cited in the previous action.

Luchaup does not teach the remote control unit is an operator headset having a microphone coupled to the audio input of the remote control.

Douglas teaches a multi-function voice controlled hospital bed where the remote control unit is a headset with a microphone (col. 6, lines 15-20).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the system of Luchaup so that the remote control unit is a headset as taught by Douglas because it would allow a person with a disability control the system without having to hold the remote control unit.

19. Claims 4-6 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Luchaup in view of Mignot, cited in the previous action.

As per claims 4-6, Luchaup teaches a display device, coupled to the electronic device for displaying a control menu (remote appliance is a television which would have a display, paragraph 11).

Luchaup does not teach the utterance is translated by the relay unit into a menu navigation control parameter that causes the electronic device to navigate the displayed control menu, the navigation of the menu is displayed on the display device in response to the electronic device receiving menu navigation control parameter and the received navigation control parameter is displayed on the display device.

Mignot teaches the utterance is translated by the relay unit into a menu navigation control parameter that causes the electronic device to navigate the displayed control menu (transform into a command which will be executed by the circuits, col. 4, lines 4-11 and navigates menu with voice commands, col. 4, lines 46-53)

the navigation of the menu is displayed on the display device in response to the electronic device receiving menu navigation control parameter (moving up and down within the menu on the screen, col. 4, lines 46-53); and

the received navigation control parameter is displayed on the display device (user utters "zoom" and the corresponding window with a header of "Zoom" is displayed on the screen, col. 4, lines 53-58).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the system of Luchaup to use the control parameter to navigate a displayed control menu on the display device because, as taught by Mignot, it would ensure the user knows the possible functional features of the system (col. 1, lines 47-54).

20. As per claim 9, Luchaup teaches the receiver of the remote control unit is configured to receive menu data from the transmitter of the relay unit (remote control

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comprises a user interface to correct recognition mistakes received from the host system, paragraph 34).

Luchaup does not teach the transmitter of the remote control unit is configured to provide transmission signals representing utterances for selecting a menu option.

Mignot teaches the utterance is translated by the relay unit into a menu navigation control parameter that causes the electronic device to navigate the displayed control menu (transform into a command which will be executed by the circuits, col. 4, lines 4-11 and navigates menu with voice commands, col. 4, lines 46-53).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the system of Luchaup to provide transmission signals representing utterances for selecting a menu option because, as taught by Mignot, it would ensure the user knows the possible functional features of the system (col. 1, lines 47-54).

21. Claims 16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Luchaup in view of Kolde et al. (U.S. Pat. 6,559,866).

Luchaup teaches a remote control system for translating an utterance of an operator to a control parameter of an electronic device comprising:

a remote control unit (Fig. 1, element 10), including,

- i. an audio input for receiving the utterance (microphone, paragraph 32);
- and

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- ii. a transmitter operably linked to the audio input for modulating and providing a transmission signal corresponding to the utterance (transmits an audio input signal hence inherently modulating it, paragraph 25);
- a relay station separate from the remote control unit and electronic device, responsive to the transmission (Fig. 1, element 50), the relay station including,
- i. a receiver for recovering audio signals representing the utterance from the transmission signal (audio input signal is received by the host receiver, paragraph 26);
 - ii. a speech recognition module which translates the utterance of the operator into the control parameter (voice recognizer generates a command signal from the audio input signal, paragraph 26); and
 - iii. means for transmitting the control parameter to the electronic device (control signal is transmitted directly to the appliance from host system, paragraph 31) and transmitting feedback to the remote control unit (transmits control signal to remote control, paragraph 26).

Luchaup does not teach receiving feedback signals from the electronic device to provide audio prompts to a user to select one of a plurality of menu options.

Kolde teaches a remote control that receives feedback signals from the electronic device that generates an audible output to inform the user how to respond (col. 5, lines 21-28 and col. 10, lines 43-53).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the system of Luchaup to receive feedback signals from the

electronic device to provide audio prompts to a user to select one of a plurality of menu options as taught by Kolde because it would ensure a user with disabilities would know the options available at any given time.

Allowable Subject Matter

22. Claims 10-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The prior art on record does not suggest utilizing the remote control system for communications with a remotely located party.

Conclusion

23. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Knittel (U.S. Pat. 6,606,280) teaches a voice-operated remote control.

24. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the


shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J Sked whose telephone number is (571) 272-7627. The examiner can normally be reached on Mon-Fri (8:00 am - 4:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David L Ometz can be reached on (571)272-7593. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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DAVID L. OMETZ
PRIMARY EXAMINER